

REMARKS

Claims 1-5, 9, 13, 21-29, and 45-63 are now pending. No claims stand allowed.

The 35 U.S.C. §102 Rejection

Claims 1, 2, 5, 13, 21, 25- 26, 45, 49, 51, 53-56, 58-61, and 63 stand rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Perkins (U.S. Pat. No. 5,159,592), among which claims 1, 21, 26, and 45 are independent claims. This rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 869 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). *See also*, M.P.E.P. §2131.

Claim 1 defines a network access server (NAS) providing a connection to a user in a data communications network, said NAS being capable of communicating with a home gateway server (HGS). The NAS comprises (a) an IP address requester for requesting an IP address from the HGS on behalf of the user without using a tunneling protocol, the HGS maintaining a pool of IP addresses for allocation to authorized users associated with the NAS, (b) an IP address relay for receiving an IP address allocated to the user from the HGS and for relaying the allocated IP address to the user, and (c) a

memory coupled with said IP address requester and said IP address relay, said memory storing association between an identification of the user and the IP address allocated to the user, as recited in claim 1.

Perkins discloses network address (IP address) management for a wired network supporting wireless communications. Perkins describes a communications network 1 in which mobile communication units 10 communicate with a global gateway 18 via a local area network (LAN) 2 and a local gateway 16 (column 3, line 56 to column 4, line 24, and FIG. 2 of Perkins). In the Office Action, the Examiner equates the local gateway 16 of Perkins with the claimed NAS, since a message from the mobile unit 10 “requests the local gateway 16, through the global gateway 18, to activate a pseudo-IP address for the mobile unit 10” (column 5, lines 55-57 of Perkins).

However, since the IP address is requested by the message from the mobile unit 10, it is the mobile unit 10 (or an alleged user) that requests the IP address, not the local gateway 16. This is also clear from the following description of Perkins: “The global gateway..., in response to a request for an assignment of a network address *from the mobile communication unit*, assigns one of the plurality of network addresses to the requesting mobile communication unit” (column 3, lines 28-34, *emphasis added*); “the request [for an assignment of a network address] being *made* to a [global] network gateway *by the mobile communication unit* (column 9, lines 46-49, *emphasis added*). The local gateway 16 of Perkins only routes information, including the IP address request, between the wireless network and the wired network (column 9, line 67 to column 10 line

1 of Perkins). Thus, the local gateway 16 of Perkins merely forwards the request/message from the mobile unit 10 to the global gateway 18. Accordingly, Perkins' local gateway 16 fails to disclose or suggest an IP address requester for requesting an IP address from the HGS on behalf of the user, as recited in claim 1.

Claims 21, 26, and 45 also include substantially the same distinctive feature as claim 1. Accordingly, it is respectfully requested that the rejection of claims based on Perkins be withdrawn.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Dependent Claims

Claims 2-5, 9, 13, 51-52, and 63 depend from claim 1, claims 22-25 and 53-57 depend from claim 21, claims 27-29 depend from claim 26, and claims 46-49, and 58-62 depend from claim 45, and thus include the limitations of the corresponding independent claims. The argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable at least for the same reasons.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Regarding the 35 U.S.C. §103 Rejections to Dependent Claims:

Claims 3, 9, 23, 28, 47, 57, and 62 also stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Perkins in view of Holt et al. (U.S. Pat. No. 6,070,192). Claims 4, 24, and 48 also stand rejected under 35 U.S.C. 103(a) as being unpatentable over Perkins in view of Holt, and further in view of Inuoe et al. (U.S. Pat. No. 6,442,616). In addition, claims 22, 27, 46, and 50 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Perkins in view of Holt, and further in view of Reid et al. (U.S. Pat. No. 6, 233, 616). These rejections are respectfully traversed

According to M.P.E.P. §2143,

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.

The rejected claims 3-4, 9, 22-24, 27-28, 46-48, 50, 57, and 62 all depend from one of the independent claims 1, 2, 26 and 45, as discussed, above. Since the primary reference Perkins fails to disclose or teach the NAS claimed in the independent claims, as discussed above, any alleged combination with or modification by additional references does not render the claimed invention recited in these claims obvious.

Request for Allowance


It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-1698.

Respectfully submitted,
THELEN REID & PRIEST, LLP

Dated: September 2, 2003


Masako Ando

Limited Recognition under 37 CFR §10.9(b)

Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax. (408) 287-8040